

§ 523.3 Consideration on basis of industry.

All applications filed under this part will be considered and acted upon on the basis of the needs of the employees and employers in the industry as a whole rather than on the basis of the needs of individual employees or employers in the industry.

§ 523.4 Information in applications.

The application shall:

(a) Identify the industry in which messengers, to be engaged primarily in delivering letters and messages, are requested to be employed at a wage lower than those applicable under section 6;

(b) Set forth the proposed hourly wage rate at which messengers will be compensated;

(c) State why messengers should be employed at a wage less than those applicable under section 6; and

(d) Include any other information believed to be pertinent.

[3 FR 2485, Oct. 15, 1938, as amended at 15 FR 603, Feb. 3, 1950]

§ 523.5 Hearings.

A hearing will be held before the Administrator or his authorized representative on such application at which all interested parties will be afforded an opportunity to present evidence and to be heard. A notice of the time, place, and scope of the hearing will be published in the FEDERAL REGISTER and made public by a general press release at least five days before the date of such hearing.

§ 523.6 Witnesses.

The Administrator shall issue a subpoena for attendance at such hearings to any party upon request and upon a showing of general relevance and reasonable scope of the evidence sought. The Administrator may, on his own motion, or that of his authorized representative, cause to be brought before him or his authorized representative any witness whose testimony he deems material to the matters in issue.

[11 FR 9555, Aug. 30, 1946]

§ 523.7 Burden of proof on applicants.

The applicant or applicants shall have the burden of showing at such

hearing that the minimum wage applicable under section 6 will curtail employment opportunities for messengers in the industry designated in the application.

§ 523.8 Further regulations for certificates.

If upon the hearing the Administrator or his authorized representative determines that a lower wage rate than the rate applicable under section 6 is necessary to prevent curtailment of employment opportunities, the Administrator will issue rules and regulations providing for the employment of messengers in the industry under special certificates at such lower wage (subject to such limitations as to time, number, proportion and length of service) as the Administrator or his authorized representative has found to be necessary on the basis of the evidence presented at the hearing.

§ 523.9 Petition for review.

Any person aggrieved by the action of an authorized representative of the Administrator under this part may within fifteen days after the action of such representative file a petition with the Administrator requesting a review by the Administrator of the action of the representative. If the request for review is granted, all interested parties will be afforded an opportunity to be heard either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the FEDERAL REGISTER and made public by general press release at least five days before the date of such hearing.

§ 523.10 Petition for amendment of regulations.

Any person wishing a revision of any of the terms of §§ 523.1 through 523.9 applicable to messengers may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will